

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

XIAO NING ZHANG,

Plaintiff,

24-CV-01939 (JAV) (SDA)

-V-

ORDER

GAVRYLYUK OLESYA, et al.,

Defendants.

JEANNETTE A. VARGAS, United States District Judge:

On April 10, 2025, Defendants filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.


Accordingly, it is hereby ORDERED that, Plaintiff shall file any amended complaint by **May 16, 2025**. Pursuant to Local Civil Rule 15.1, available at <https://www.nysd.uscourts.gov/rules>, any amended complaint should be filed with a redline showing all differences between the original and revised filings. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that they rely on the previously filed motion to dismiss. If Defendants file an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendants file a new motion to dismiss or indicate that they rely on their previously filed motion to dismiss, any opposition shall be filed by three (3) weeks after the new motion to dismiss is filed, and any reply shall be filed within one (1) week of any opposition.

If no amended complaint is filed, Plaintiff shall file any opposition to the motion to dismiss by **May 16, 2025**, and Defendant shall file any reply by **May 23, 2025**.

SO ORDERED.

Dated: April 16, 2025
New York, New York


JEANNETTE A. VARGAS
United States District Judge